

1 BRYAN A. MERRYMAN (SBN 134357)  
bmerryman@whitecase.com  
2 J. JONATHAN HAWK (SBN 254350)  
jhawk@whitecase.com  
3 WHITE & CASE LLP  
633 W. Fifth Street, Suite 1900  
4 Los Angeles, CA 90071-2007  
Telephone: (213) 620-7700  
5 Facsimile: (213) 452-2329

6 BIJAL V. VAKIL (SBN 192878)  
bvakil@whitecase.com  
7 WHITE & CASE LLP  
5 Palo Alto Square, 9th Floor  
8 3000 El Camino Real  
Palo Alto, CA 94306  
9 Telephone: (650) 213-0300  
Facsimile: (650) 213-8158

10 Attorneys for Defendant  
11 GROUPME, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 OAKLAND DIVISION

15 BRIAN GLAUSER, individually and on behalf  
16 of a class of similarly situated individuals,

17 Plaintiffs,

18 v.

19 TWILIO, INC., a Delaware corporation; and  
GROUPME, INC., a Delaware corporation,

20 Defendants.  
21  
22  
23  
24  
25  
26  
27  
28

CASE NO. 4:11-cv-02584-PJH

**DEFENDANT GROUPME, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
DOCUMENTS UNDER SEAL**

1 Pursuant to Civil L.R. 79-5 and 7-11, defendant GroupMe, Inc. ("GroupMe") hereby  
2 brings this administrative motion for an order sealing certain evidence filed in support of its  
3 Motion for Summary Judgment ("Motion");

- 4 • portions of paragraphs 30 and 31 of the declaration of Steve  
5 Martocci ("Martocci Declaration");
- 6 • portions of paragraphs 5 and 6 of the declaration of John  
7 Pignata ("Pignata Declaration"); and
- portions of Exhibit C to the Pignata Declaration.

8 GroupMe has established good cause to permit filing this information under seal (collectively,  
9 "Proposed Sealed Information") through the Declaration of J. Jonathan Hawk ("Hawk Decl."),  
10 filed contemporaneously herewith.

11 Specifically, paragraphs 30 and 31 of the Martocci Declaration and Exhibit C to the  
12 Pignata Declaration set forth the content of text messages sent and received by plaintiff Brian  
13 Glauser ("Plaintiff") through GroupMe's group text messaging service, which text messages are  
14 referenced in the Amended Complaint and relied on by Plaintiff in pleading a claim against  
15 GroupMe for violation of the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227 *et seq.*  
16 Compl., ¶¶ 31-42, 55-56; Martocci Decl., ¶¶ 30-31; Pignata Decl., ¶ 5, Ex. C. Paragraphs 30 and 31  
17 of the Martocci Declaration and Exhibit C to the Pignata Declaration also provide the purported  
18 first and last names of individuals who participated in group text message conversations with  
19 Plaintiff and sent those text messages. Martocci Decl., ¶¶ 30-31; Pignata Decl., ¶ 5, Ex. C. The  
20 individuals identified, excluding Plaintiff, are non-parties. Paragraphs 5 and 6 of the Pignata  
21 Declaration also disclose the name of a non-party member of the text message group with Plaintiff.  
22 GroupMe seeks to file under seal only those portions of these materials that provide the first and  
23 last names of the non-party group text message members and the content of the text messages.

24 The Proposed Sealed Information includes personally identifiable information which, in  
25 conjunction with the content of the group text message conversation, could potentially violate the  
26 privacy interests of the non-party group members and the Stored Communications Act, Title II of  
27 the Electronic Communications Privacy Act, 18 U.S.C. §§ 2701 to 2171 ("SCA"), if publicly  
28 disseminated. While GroupMe does not believe public disclosure would violate the privacy

1 interests of non-party text message group members or the SCA, GroupMe nonetheless seeks to file  
2 the information under seal to ensure it does not violate any privacy rights or laws.

3 This request is narrowly tailored to apply to only those portions of the Martocci  
4 Declaration, Pignata Declaration and Exhibit C to the Pignata Declaration that set forth the names  
5 of non-party text message group participants and the content of their text messages. Accordingly,  
6 GroupMe respectfully requests the Court order portions of paragraphs 30 and 31 of the Martocci  
7 Declaration, paragraphs 5 and 6 of the Pignata Declaration, and Exhibit C thereto be filed under  
8 seal.

9  
10 Dated: April 28, 2014

WHITE & CASE LLP

11  
12 By: /s/ Bryan A. Merryman  
13 Bryan A. Merryman

14 Attorneys for Defendant  
15 GROUPME, INC.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28